

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PAUL SUTHERLAND PHOTOGRAPHY, LLC.

Plaintiff,

-against-

THE MCGRAW HILL COMPANIES and DR.  
LEWIS KOHL

DEFENDANT DR. LEWIS  
KOHL'S DEMAND FOR  
PRODUCTION OF  
DOCUMENTS

Docket: 07 CIV 3748  
Hon. Jed S. Rakoff

Defendants.

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PLEASE TAKE NOTICE, that the defendant, Dr. Lewis Kohl, by his attorneys, Kuczinski, Vila & Associates, LLP., hereby demands that the plaintiff, Paul Sutherland Photography, LLC. and the co-defendant, The McGraw Hill Companies pursuant to Rule 26 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York produce and respond to the following requests:

1. Copies of any written statements of any of the parties to the lawsuit, their agents, servants and/or employees or any of their representatives as it relates to any of the claims, cross-claims or defenses in the action;

2. Copies of any and all contracts, subcontracts, agreements, purchase orders, invoices, licenses, permission slips, releases, and drafts and/or revisions and/or amendments and/or modifications and/or addendums and/or proposals of such documentation and/or any other documentation entered into or exchanged by and between any of the parties herein which relates to any and all of the claims, cross-claims and/or defenses of the lawsuit;

3. Copies of any and all correspondence, letters, memos, memorandums; e-mails, notes and/or notices generated by or between any of the parties to the lawsuit as it relates to any and all of the claims, cross-claims and/or defenses in the action;

4. Copies of any and all receipts, statements, drafts, cancelled checks, accounting statements, invoices, consignment orders, ledgers, financial statements, shipping orders, receipts and/or statements relating to the total sale and distribution of the Atlas of Pediatric Emergency Medicine in which the plaintiff's pictures purportedly appear in print;

5. Copies of any written rules, regulations, handbooks, manuals, protocols and/or guidelines by which employees, agents and/or servants of defendant McGraw Hill Companies is allowed to print, publish, distribute, disseminate, list and sell through traditional means and methods and/or through the internet and/or other electronic or other distribution means which were in effect during the period of time that the plaintiff has alleged there was a copyright infringement.

6. Copies of any and all correspondence, notes, memos, memorandum, letters, e-mails, notices and/or other documents generated by any parties to the lawsuit and any other individual and/or entity that are not parties to the lawsuit that relates to any of the claims, cross-claims and/or defenses in this action;

7. Copies of any and all documentation, charts, diagrams, drawings, graphs or any other visual reproduction of any object which was prepared or will be utilized to calculate any damages alleged in the Complaint by plaintiff, the cross-claim or as a defense, set off a reduction and/or mitigation of damages by the defendant, The McGraw Hill Companies;

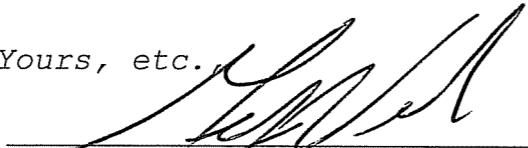
8. A listing of any and all books, commentaries, reports, statutes, codes, rules, ordinances, regulations or other published documents which will be referred to and/or utilized by an expert witness called upon during the trial of this action as well as copies of any, drawings, diagrams, graphs, maps, plates, plans, photographs, models or other visual reproduction of any object, place or thing which will be prepared or utilized by any expert witness you intend to call during the trial of this action; and

9. Copies of any and all charts, graphs, models, pictures, drawings, photographs, images, video including animation or any demonstrative evidence you may intend to use during the trial of this action as well as any copies of any documents you intend to introduce into evidence at the trial of this action which have not already been supplied in response to other document requests or mandatory disclosures.

10. The last known address and phone number of Andrea Seils, former Senior Medical Editor of McGraw Hill.

Dated: Tarrytown, New York  
July 25, 2007

*Yours, etc.*

  
Gustavo L. Vila (GV0436)  
KUCZINSKI, VILA & ASSOCIATES, LLP  
Attorneys for Defendant  
DR. LEWIS KOHL  
220 White Plains Road, 2<sup>nd</sup> Floor  
Tarrytown, New York 10591  
(914) 347-7333

TO:

EDWARD C. GREENBURG, P.C. (ECG 553)  
Attorney for Plaintiff  
100 Park Avenue, 33<sup>rd</sup> Floor  
New York, New York 10017  
(212) 697-8777

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Defendant  
The McGraw Hill Companies, Inc.  
1133 Avenue of the Americas  
35<sup>th</sup> Floor  
New York, New York 10036-6799

STATE OF NEW YORK, COUNTY OF NEW YORK ss.:

AFFIDAVIT OF SERVICE BY MAIL

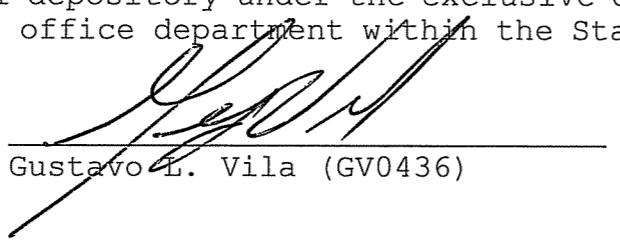
Gustavo L. Vila, being duly sworn, deposes and says that deponent is a member of the firm of Kuczinski, Vila & Associates, LLP., the attorneys for Dr. Lewis Kohl, is over the age of eighteen and is not a party to this action.

On July 26, 2007, deponent served the within Defendant, Dr. Lewis Kohl's Demand for Production of Documents upon:

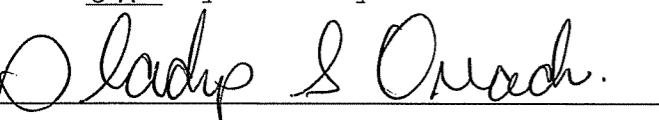
EDWARD C. GREENBURG, P.C. (ECG 553)  
Attorney for Plaintiff  
100 Park Avenue, 33<sup>rd</sup> Floor  
New York, New York 10017  
(212) 697-8777

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Defendant  
The McGraw Hill Companies, Inc.  
1133 Avenue of the Americas  
35<sup>th</sup> Floor  
New York, New York 10036-6799  
(212) 790-9200

the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in - a post office - official depository under the exclusive care and custody of the United States post office department within the State of New York.

  
Gustavo L. Vila (GV0436)

Sworn to before me  
this 26 Day of July 2007



GLADYS S. OVADIA  
Notary Public, State of New York  
No. 01OV5062843  
Qualified in Rockland County  
Commission Expires July 8, 2010

GLADYS S. OVADIA  
Notary Public, State of New York  
No. 01OV5062843  
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**Defendant, Dr. Lewis Kohl's Demand for Production of Documents**

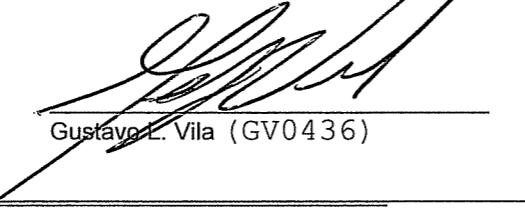
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Kuczinski, Vila & Associates, LLP.  
Attorneys for Defendant  
Dr. Lewis Kohl  
220 White Plains Road  
Tarrytown, New York 10591  
(914) 347-7333

**CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. §130-1.1a**

Gustavo L. Vila, Esq. hereby certifies that, pursuant to 22 N.Y.C.R.R. §130-1.1a, the foregoing  
Defendant, Dr. Lewis Kohl's Demand for Production of Documents is  
not frivolous nor frivolously presented.

Dated: Tarrytown, New York  
July 25, 2007

  
Gustavo L. Vila (GV0436)

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**PLEASE TAKE NOTICE**

- that the within is a true copy of a entered in the office of the clerk of the within named Court on .
- that a \_\_\_\_\_ of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court at , on at 9:30 a.m.

Kuczinski, Vila & Associates, LLP.  
Attorneys for Defendant  
Dr. Lewis Kohl  
220 White Plains Road  
Tarrytown, New York 10591  
(914) 347-7333

GLV/cmp